

**WESTMORELAND ROSEBUD
MINING LLC'S MOTION FOR
LEAVE TO CONDUCT
LIMITED DISCOVERY
REGARDING PLAINTIFFS'
STANDING**

On February 11, 2020, Westmoreland Rosebud Mining LLC (“Westmoreland”) moved to dismiss this action because Plaintiffs lack standing. ECF No. 32. In response, Plaintiffs submitted a series of declarations marred by inconsistencies and vagueness that prevent them from providing a sufficient basis for standing. However, to the extent that this Court believes that Plaintiffs have raised a factual issue, and for the reasons set out in the accompanying brief, Westmoreland hereby moves to conduct limited discovery regarding certain Plaintiffs’ purported aesthetic and recreational interests in the vicinity of the challenged Mine permit.

Counsel for Westmoreland has conferred with counsel for the Federal Defendants and they take no position on this motion. Counsel for Westmoreland also conferred with counsel for the Plaintiffs, and Plaintiffs oppose this motion.¹

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¹ Plaintiffs requested that Westmoreland include the following statement of position, “Plaintiffs object to WRM’s motion and question whether the request is made in good faith.” Westmoreland firmly disagrees with Plaintiffs’ characterization of Westmoreland’s motion.

Dated this 23rd day of April 2020.

/s/ Hadassah M. Reimer

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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2020, I filed the foregoing document electronically through the CM/ECF system, which caused all counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

s/ Hadassah M. Reimer

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